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1 STATE OF NEW YORK
CITY OF WHITE PLAINS

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4 Minutes of
City of White Plains
Open Space Recreation District
5 Public Hearing
September 4, 2012
6 7:30 PM
At
7 City Hall
255 Main Street
8 White Plains, New York
9

10

PRESENT:

11

MAYOR THOMAS M. ROACH

12

COMMON COUNCIL MEMBERS:

13

HONORABLE BENJAMIN BOYKIN, II

14

HONORABLE DAVID BUCHWALD

15

HONORABLE MILAGROS LECUONA

16

HONORABLE DENNIS E. KROLIAN

17

HONORABLE BETH N. SMAYDA

18

HONORABLE JOHN M. MARTIN

19

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21

ALSO PRESENT:

22

MS. ANNE McPHERSON

23

Secretary to the Common Council

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1 PUBLIC HEARING
2 MAYOR ROACH: Item 37 is a public
3 hearing on the Draft Generic
4 Environmental Impact Statement in
5 relation to the proposed Open Space
6 Recreational District, an amendment to
7 the 1997 Comprehensive Plan as amended,
8 in relation to land use and environmental
9 regulations and modifications to the
10 zoning map.

11

MR. MARTIN: I move that the public
hearing be opened.

12

COUNCIL PRESIDENT SMAYDA: Second.

13

MAYOR ROACH: All in favor?

14

COUNCILMAN BUCHWALD: Aye.

15

COUNCILWOMAN LECUONA: Aye.

16

COUNCILMAN KROLIAN: Aye.

17

COUNCILMAN BOYKIN: Aye.

18

COUNCIL PRESIDENT SMAYDA: Aye.

19

COUNCILMAN MARTIN: Aye.

20

MAYOR ROACH: Opposed?

21

(No response).

22

MAYOR ROACH: The hearing is open.

23

I know we have a list of people who
24 signed in to comment on this. Before we

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1 PUBLIC HEARING
2 get started, I have a brief statement and
3 then I'm going to ask Commissioner Habel
4 to give a brief statement.

5 On June 20, 2011, the Planning
6 Department submitted to the Common
7 Council a proposed amendment to the
8 Zoning Ordinance regarding the creation
9 of a new zoning district, the Open Space
10 Recreation District.

11 This proposed district would
12 include: One, a portion of Fenway in
13 White Plains; two, Westchester Hills Golf
14 Club; three, property at 400 Ridgeway now
15 owned by the French American School of
16 New York; four, Maple Moor Golf Course;
17 and five, the Hutchinson River Parkway
18 land in White Plains.

19 These parcels are shown on the
20 City's Comprehensive Plan land use map as
21 having a specifically identified open
22 space character. The Common Council
23 declared itself to be the lead agency for
24 the environmental review of proposed
25 amendments to the Zoning Ordinance

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1 PUBLIC HEARING
2 Comprehensive Plan and other land use
3 regulations as necessary to establish the
4 Open Space Recreation District, OSRD,
5 described in the proposed zoning
6 amendment.

7 As part of its environmental review,
8 the Common Council determined that the
9 proposed OSRD zoning and related land use
10 amendments might have significant adverse
11 impacts on the environment and directed
12 that a Draft Generic Environmental Impact
13 Statement, DGEIS, be prepared.

14 The Common Council adopted a
15 detailed scoping document to guide the
16 preparation of the DGEIS. The Common
17 Council also retained the firm of VHB
18 Engineering Surveying and Landscape
19 Architecture to prepare a DGEIS for the
20 Proposed Open Space Recreation District
21 based upon the adopted scoping document.

22 VHB prepared a preliminary OSRD
23 DGEIS. At its August 6, 2012 meeting,
24 the Common Council determined that the
25 DGEIS was complete and authorized the

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1 PUBLIC HEARING
2 issuance of a notice of completion of the
3 DGEIS, and scheduled a public hearing
4 regarding the OSRD DGEIS to be held on
5 September 4, 2012, at 7:30 p.m., which
6 will be adjourned to October 1, 2012, at
7 7:30 p.m. in the Common Council Chambers.

8 The Common Council also scheduled a
9 period to receive written comments on the
10 DGEIS through October 11, 2012 at 5 p.m.

11 The DGEIS is available for review at
12 the White Plains Library and on the
13 City's website. The public is encouraged
14 to comment on the Open Space Recreation
15 District, DGEIS, this evening or at the
16 hearing on October 11th, at the adjourned

17 public hearing on October 11th, or in
18 writing within the written comment
19 period.
20 You may both comment at the hearing
21 and submit written comments. However, if
22 you wish to comment on the DGEIS, it is
23 not necessary to comment at a meeting and
24 in writing; one or the other can be done,
25 or both. Your comments will be noted

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2 regardless of whether it is at a meeting
3 or only in writing.
4 The role of the Common Council as
5 lead agency is to listen to and read your
6 comments. Upon completion of the public
7 comment period, a final environmental
8 impact statement will be prepared for the
9 review and approval of the Common
10 Council.

11 This FEIS will provide the lead
12 agency responses to the comments received
13 during this public comment period. After
14 acceptance of the FEIS and the expiration
15 of a period of at least ten days, the
16 Common Council as lead agency can then
17 act on the Environmental Findings
18 Resolution which will set forth the
19 Common Council's determination of what
20 actions are most appropriate based upon
21 this environmental review.

22 At this time, I ask former
23 Commissioner of Planning Sue Habel to
24 address us with some additional detail.

25 COUNCILMAN MARTIN: Mr. Mayor, while

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2 she is coming up there, just for a point
3 of clarification, the hearing tonight is
4 proposed to be adjourned to October 1st.
5 MAYOR ROACH: Right.
6 COUNCILMAN MARTIN: With the common
7 period ending October 11th.
8 MAYOR ROACH: Right. You are right.
9 There is a typo in the script.
10 Former Commissioner Habel.

11 COMMISSIONER HABEL: I'm not giving
12 back my proclamation, I love it.

13 I would like to take a few minutes
14 this evening and describe to you where
15 the Planning Department is in its review
16 of the DGEIS. We, as did other City
17 departments and the public, received
18 copies of the DGEIS after the Common
19 Council had accepted it as complete, and
20 the notice of completion was issued and
21 these hearings were scheduled.

22 We are in the process of that review
23 at this time, but felt it was important
24 to give you some of our preliminary
25 thinking so you will have some idea about

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2 that. And we will continue to work on
3 that, and also, ourselves, listen to all
4 the comments from the public which you
5 will be hearing, and see how those relate
6 to some of the issues that we have

7 identified.

8 The 1997 Comprehensive Plan
9 identified the parcels in this DGEIS as
10 significant open space, of significant
11 open space character in the City. And
12 particularly of importance to what are
13 referred to as the outer area
14 neighborhoods, which are located
15 primarily south of Bryant Avenue.

16 And the study area for the DGEIS
17 encompassing these parcels is basically
18 parcels south of Bryant Avenue. The five
19 parcels along with others owned by the
20 City as parks or by the school district
21 are indicated on the Comprehensive Plan
22 land use map as open space parcels.

23 Not only are these parcels important
24 to the open space character of the City,
25 they also contain significant

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2 environmentally sensitive features, and
3 their importance in relationship to the
4 storm water drainage, storm water
5 management, and drainage system for both
6 the City and regional drainage basin
7 which they are located.

8 The Open Space Recreation District
9 was recommended by the Planning
10 Department after the Department had
11 analyzed numerous zoning regulations from
12 a wide range of municipalities which
13 contained large tracts of open space in
14 either public or private ownership which
15 also contained significant environmental
16 features.

17 The Planning Department recognized
18 when they submitted the zoning --
19 proposed zoning -- that while it
20 benefitted the community in terms of
21 allowing the establishment of active and
22 passive recreation uses that preserved
23 open space character, they might have
24 different significant adverse impacts.

25 And the Planning Department

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2 therefore recommended that the open space
3 zoning be subject to a full environmental
4 review in which the Common Council
5 concurred, and the Common Council
6 directed the preparation of the generic
7 environmental impact statement -- which
8 as Mayor Roach summarized -- the full
9 environmental review was prepared by the
10 City's consultant.

11 You received copies of it, reviewed
12 it, discussed it with staff, determined
13 it to be complete August 6th, and then
14 scheduled the hearings, beginning with
15 this one this evening.

16 So with respect to the Planning
17 Department's comments on this, in the
18 process of our review, the Planning
19 Department, as I said, will continue its
20 review and review of comments from the
21 public. But we have a few comments, as I
22 said, that we would like to make tonight.

23 Our initial review can be summarized
24 as follows: First, the DGEIS analysis of
25 each of the five sites indicates that the
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2 Fenway site, the Fenway Golf Course site,
3 is substantially below the 100-acre
4 minimum size for lot area proposed in the
5 Open Space Recreation District zoning.

6 The Planning Department agrees with
7 the conclusion of the DGEIS, that this
8 site is too small for the development of
9 an active recreation facility as
10 contemplated in the proposed zoning.
11 However, it remains appropriate for
12 certain proposed alternatives,
13 particularly the reduced residential
14 density single family R1-60 zoning
15 alternative.

16 And we will continue our examination
17 of that site in terms of this proposal,
18 and the other alternatives which were
19 suggested.

20 With respect to the Hutchinson River
21 Parkway land, which was one of the
22 other -- the second of the five parcels
23 that were looked at, sites that were
24 looked at in this DGEIS review, the open
25 space quality of that parcel is primarily

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2 for the portion located in White Plains,
3 is primarily the steep slopes that are
4 not directly accessible from White Plains
5 because they are off the parkway itself,
6 or accessible only in small parcel areas,
7 within a line of single family homes
8 along the parkway.

9 The Planning Department therefore
10 agrees with the DGEIS that this property
11 is also not appropriate for consideration
12 for mapping of the proposed Open Space
13 Recreation District. And we feel that
14 the DGEIS has demonstrated that this
15 parcel is not appropriate for that
16 zoning, but also may -- will continue to
17 be looked at in terms of the alternatives
18 that were proposed.

19 The development of active recreation
20 facilities at the other three locations,
21 which are the Westchester Hills Golf
22 Club, Maple Moor Golf Course, and the
23 site owned by the French American School
24 of New York, all of which exceed 100
25 acres, are possible for development

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2 pursuant to the Open Space Recreation
3 District.

4 However, although the type of
5 development permitted in the Open Space
6 Development District is possible in these
7 three outer area sites of over one
8 hundred acres, the DGEIS demonstrates
9 that there are certain adverse, potential
10 adverse impacts including but not limited
11 to traffic, noise, lighting, and storm
12 water management drainage.

13 The Planning Department is examining
14 these potential adverse impacts and their
15 potential significance. And we will be
16 reporting back to you as we continue our
17 review.

18 And as I said at the beginning, we
19 will be getting back to you with a full
20 review before the end of the comment
21 period.

22 We are also examining in detail the
23 alternatives included in the DGEIS. And
24 at this time the Planning Department
25 believes that the lower density single

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2 family residential district R1-60, in a
3 conservation development format, which
4 conservation development is the cluster
5 format that is provided for under our
6 Zoning Ordinance at Section 5.7 of the
7 Zoning Ordinance, that in a conservation
8 development format, the R1-60 district
9 proposed alternative addresses the open
10 space preservation concerns stated in the
11 Comprehensive Plan, and does not appear
12 to have the magnitude and type of
13 potential adverse impacts possible with
14 the open space residential zoning, and
15 deserves therefore further consideration.

16 We will provide the Council with our
17 further detailed analysis, but we wanted
18 to advise you at this time that we are
19 looking seriously at the alternatives.
20 We have gone through the document. We
21 are looking at it in detail. But rather
22 than waiting until the end, we wanted to
23 give you an idea of what direction we
24 were going. And particularly, with
25 respect to that which we should be

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2 analyzing in an environmental impact
3 statement, and that is the potential for
4 significant adverse impact and whether
5 they can or cannot be mitigated. Thank
6 you.

7 MAYOR ROACH: Thank you. At this
8 time, what we have is we have a sign-in
9 sheet where everyone signed in that
10 wishes to comment. We will run through
11 that sign-in sheet. The Clerk will call
12 those who have signed in and wish to
13 comment during the public hearing in the
14 order which they signed in.

15 Then at the conclusion of that,
16 anyone here that did not sign in, we will
17 then offer that to them. We are going to
18 ask that you keep your comments within
19 five minutes as a sign of respect to the
20 other people in the room. We will try to
21 give everyone the opportunity to be heard
22 this evening. We have a number of people
23 who have asked to be heard.

24 So with that in mind, Madam Clerk,
25 please read the first person.

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2 MS. MCPHERSON: Ned Sullivan.

3 MAYOR ROACH: It was asked that
4 everyone please state your name and
5 residence address, and agency
6 affiliation, if any.

7 MR. SULLIVAN: Good evening
8 Mr. Mayor and Members of the Common
9 Council. I'm Ned Sullivan, I'm President
10 of Scenic Hudson, based in Poughkeepsie,
11 New York. I am here today in that
12 capacity, so rather than my residential
13 address, I think that's the relevant
14 background.

15 Founded in Westchester County almost
16 50 years ago, Scenic Hudson has worked to
17 preserve and restore open space
18 throughout the Hudson Valley. We have
19 conserved more than 30,000 acres and
20 created and enhanced more than 50 parks
21 and preserves, including many in
22 Westchester, Yonkers, Irvington,
23 Tarrytown, Sleepy Hollow, and Peekskill.

24 On a personal note, before Scenic
25 Hudson, I worked in both business and

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2 government including service as Deputy
3 Commissioner of New York State Department
4 of Environmental Conservation.

5 While Scenic Hudson's primary focus
6 is on riverfront communities, my staff
7 and I are represented on several regional
8 boards, including the Hudson River Valley
9 Greenway. A few years ago, I chaired a
10 task force appointed by the Commissioner
11 of Environmental Conservation on steps
12 that could be taken to make the State
13 Environmental Quality Review Act more
14 efficient without compromising public
15 participation or environmental
16 protection.

17 I am here tonight to respectfully
18 ask a few questions about the Open Space
19 Recreation District, specifically as it
20 relates to the Greens to Green
21 Conservancy proposed by the French
22 American School of New York at the former
23 Ridgeway Country Club.

24 Scenic Hudson will be testifying in
25 the upcoming public hearing on that

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2 project, and will be expressing our
3 support for the Conservancy while urging
4 you, the Mayor and the Council, to give
5 the entire project the hard look that
6 SEQRA requires.

7 We understand that some residents
8 have concerns about traffic and the
9 impact that the school and Conservancy
10 may have on their property and
11 neighborhoods, and would encourage
12 careful analysis before drafting an
13 environmental impact study, so any
14 unacceptable impacts can be identified,
15 eliminated, or mitigated.

16 Scenic Hudson will be expressing its
17 support for the Conservancy for a number
18 of reasons. It will transform a closed

19 84-acre former golf course into a public
20 nature preserve in an area with as many
21 as 30 public and private golf courses.
22 It will protect and rehabilitate wildlife
23 habitat by eliminating the impacts of
24 pesticides and chemical fertilizers
25 needed for a golf course. It will

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2 restore and protect water resources.

3 The Conservancy would also conserve
4 water resources by eliminating the need
5 for extensive irrigation. It will open
6 to the public beautiful scenic resources,
7 and create -- as I understand it -- the
8 largest permanent conservation easement
9 within the City of White Plains. It will
10 promote good urban planning and
11 sustainable design. Finally, it will
12 support community health.

13 Based on my preliminary review of
14 the Open Space Recreation District, it
15 seems that FASNY's project embraces and
16 incorporates the goals of this regulatory
17 proposal.

18 What has confused me is why the
19 FASNY project would be subject to this
20 regulatory overlay at a time when the
21 school and the Conservancy are in the
22 middle of a SEQRA review.

23 The special use permit process for
24 which the Common Council is the lead
25 agency would seem to provide the optimal

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2 regulatory context for reviewing the very
3 specific targeted plans that the FASNY
4 has proposed, and for addressing and
5 mitigating any impact that will be
6 associated with that project.

7 FASNY has set very high standards in
8 SEQRA reviews to date, meeting and
9 exceeding many of the recommendations of
10 the DEC Commissioner's Task Force I
11 mentioned earlier, in making SEQRA more
12 efficient without compromising
13 environmental public review.

14 FASNY has hosted roughly 100
15 meetings with environmental
16 organizations, community members, and
17 others, to share and gain input on its
18 plan, apart from and in advance from the
19 SEQRA process.

20 It has developed a comprehensive
21 draft environmental impact statement.
22 And as you know, you conducted a scoping
23 session with appropriate public hearings
24 and the opportunity for the public to
25 comment.

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2 MS. MCPHERSON: Five minutes, sir.

3 MR. SULLIVAN: So with all this

4 background, my recommendation is that you
5 take a hard look at whether this
6 additional regulatory overlay is
7 necessary or could be set aside as it
8 relates to the FASNY project, with the No

9 Action Alternative that you have
10 identified as the appropriate action.
11 Thank you so much.
12 MAYOR ROACH: Thank you.
13 MR. SULLIVAN: I have copies of my
14 testimony.
15 MS. MCPHERSON: Thank you.
16 Harriet Baker.
17 MS. BAKER: Thank you. My name is
18 Harriet Baker. I live at 17 Hathaway
19 Lane in White Plains. What I would like
20 to start with is that one of the
21 statements that this gentlemen made I
22 think is incorrect.
23 This request for a change in the
24 zoning, I think preceded the purchase of
25 the FASNY property. So I think the order

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2 that he is suggesting is incorrect.
3 Why is it so important that we have
4 this type of zoning? The first reason is
5 that this is one of the last large tracts
6 of land -- as Ms. Habel said -- there are
7 only three large tracts that are left in
8 White Plains. So it's important to
9 preserve this area.
10 The second thing is that we have to
11 plan for the future. The FASNY bought
12 the Ridgeway. What will happen to the
13 others? So we have to think in the
14 future and plan for, again, other golf
15 courses closing. Once these large tracts
16 of land are gone, they are gone forever.
17 And I think the recognition of the
18 Greenway honoring Jack Harrington is very
19 important in this respect.
20 Jack fought the sale of the rail
21 site properties, and I was involved in
22 that as well. And those properties are
23 gone, so the Greenway is diminished by
24 that, the loss of those properties. So I
25 think we have to think in those terms as

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2 well.
3 Lastly, the importance of the
4 traffic, the noise, the pollution that
5 will come with development as the FASNY
6 plan, I think, is important. I think we
7 have to plan not to do this sort of thing
8 to the environment and the neighborhoods.
9 Lastly, it's our other cities. The
10 change in the storm water will affect not
11 only White Plains -- the drainage -- but
12 it will affect Mamaroneck and other
13 downstream parts of the County. So I
14 would like to say that, please, it's
15 wrong to develop this land in any way. I
16 would like to see it preserved as open
17 space. Thank you.
18 MAYOR ROACH: Thank you.
19 MS. MCPHERSON: Ed Beane.
20 MR. BEANE: Good evening. My name
21 is Edward Beane. I am here in support of
22 the FASNY project and in support of the
23 Conservancy. I have a rather different
24 and maybe unique perspective on this,

25 because one of the alternative uses

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2 discussed in the DEIS was to maintain the
3 project or to maintain the former
4 Ridgeway property as a golf course, a
5 privately managed and privately owned
6 golf course.

7 And I am a 35-year member or was a
8 35-year member of the Club and am still
9 on the Board of Directors. And if there
10 was some way economically viable to keep
11 that property as a golf course, we would
12 have done it. The uniqueness of my
13 perspective is that I was on the Board
14 and I actually spent over two years
15 trying to sell Ridgeway Country Club;
16 first trying to keep it as a golf course
17 as a member of the Board, then trying to
18 sell it and trying to sell it to someone
19 or some entity who would maintain it as a
20 golf course.

21 And during that over two years, we
22 had two very, very fine brokers. We
23 advertised it, in accordance with the
24 sort of playbook of brokers, to a number
25 of different entities, perspective golf

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2 course owners, private -- we even had at
3 one point a transaction with the City of
4 White Plains for a publicly-owned golf
5 course. That did not work because of
6 economics as far as I was concerned.

7 We had an enormous number of offers,
8 a lot of whom were not serious, some of
9 which were serious. But when it came
10 time to either go through and get the
11 financing or otherwise come up with the
12 wherewithal to actually do it, the offers
13 fell through.

14 I have file drawers full of
15 contracts with various entities, one of
16 which believe it or not was the City of
17 White Plains, a proposed contract. None
18 of those transactions would work because
19 quite frankly they were not economically
20 viable. As much as I wanted to believe
21 as a member of Ridgeway, as a member of
22 the Board of Directors of Ridgeway, that
23 there would be a viable club, or the
24 possibility of a viable club, it just did
25 not happen.

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2 And the most viable offers, none of
3 which we actually ended up accepting,
4 were offers for either assisted living
5 facilities, residential, combination
6 offers, of course all subject to
7 approvals.

8 So I will tell you because I lived
9 it, a golf course -- whether it's private
10 or public on that site -- did not work.
11 I really wish it had. Thank you for your
12 time.

13 MAYOR ROACH: Thank you Mr. Beane.

14 MS. MCPHERSON: Frances Jones.

15 MAYOR ROACH: Just to highlight,
16 tonight we are here for the Open Space
17 Recreational District public hearing.
18 Ms. Jones.

19 MS. JONES: Thank you for the
20 clarification. That's what I was going
21 to talk about, I think. In 2010, before
22 most of us had even heard about FASNY --
23 I certainly had not -- at the time I was
24 the President of the Concerned Citizens
25 For Open Space and Co-President of the

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2 Council of Neighborhood Associations.
3 And we got together with a group
4 from Eco Neighbors, observing the need to
5 protect the country club property in the
6 event of financial problems as has
7 materialized.

8 We got together and we wrote a
9 fairly lengthy document and submitted the
10 proposal to the City of White Plains in
11 2010 asking for a new Open Space
12 Recreational District. I assume you are
13 not using our plan, but I commend you
14 nevertheless for taking this upon
15 yourselves and coming up with your own
16 version, working on your own version
17 towards this objective.

18 White Plains is only approximately
19 ten square miles, and we know there is
20 very limited true green open space
21 remaining in our City. Every effort,
22 every effort must be made to preserve as
23 much of this remaining open space as
24 possible.

25 As Harriet mentioned, once it's gone
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2 it's gone. You are not going to get it
3 back. White Plains was recently listed
4 as one of the Top 50 Best Small Cities in
5 the USA. And two of the reasons that I
6 read recently that were given were our
7 bike lanes and our hiking trails. So
8 clearly they are looking at things like
9 open space and this land should be
10 preserved, if possible, as park land as
11 much as possible.

12 Now I did receive the document from
13 the City. And I read it over and tried
14 my best to understand it. One of the
15 things mentioned was this new R1-60
16 housing. Now I would prefer obviously
17 not to see that because, again, once a
18 housing development is put in, you lose
19 your open space and you are never going
20 to get it back, not ever.

21 The problem -- they also mentioned
22 private schools. The problem with
23 allowing a private school includes that
24 only a relatively small group of
25 people -- and most of them not even from

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2 White Plains in the case of FASNY --
3 would benefit from the use of this space
4 within the City of White Plains. They

5 would benefit from the City's services,
6 while causing inconveniences to those of
7 us who live here, while not contributing
8 by paying taxes.

9 This has to be a major
10 consideration. Now two of the country
11 clubs border on Ridgeway, a narrow
12 country road. And whatever is allowed on
13 one side of this road, stop signs,
14 turning lanes and so on, would ultimately
15 have to be permitted on the other side as
16 well if another school or such was built
17 over there.

18 How can you say yes to one side, and
19 later deny the other. So you do have to
20 think about the cumulative impact if all
21 of these open spaces were ultimately
22 developed in this way. So that would be
23 double jeopardy, maybe even triple
24 jeopardy, and it would truly negatively
25 impact the character of the road, the

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2 neighborhood, and as Ms. Habel mentioned
3 before, it would impact our traffic and
4 our noise and our storm water management.
5 And the lighting at night.

6 Now, in my opinion, ideally the best
7 use of the land would be one hundred
8 percent preserved for park land or
9 similar for the benefit of all of the
10 citizens of White Plains.

11 Now we live here in White Plains and
12 I think the issues of the citizens of
13 White Plains should be given priority
14 over other groups that are coming in, no
15 matter how knowledgeable they may be
16 about open space along the Hudson River
17 or in other parts of the State or County,
18 unless they live in White Plains and
19 particularly in the neighborhoods
20 impacted, the southern neighborhoods such
21 as I live in. I think we should be
22 given -- our thoughts -- I think our
23 opinions should stand more weight.
24 Sorry, but I do think that is the case.

25 A lot of things that have been done

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2 up county, there is a lot more open space
3 up county than here, quite frankly.

4 Other options I think we should
5 pursue would include contacting the New
6 York Botanical Gardens to see if they
7 could perhaps come in and do something
8 with us. The senior citizens --

9 MS. MCPHERSON: Five minutes.

10 MS. JONES: -- or a Stone Barn type
11 of organization. Even an arts center.

12 Furthermore, if the City owned or
13 was affiliated with any of this, we could
14 charge an admission fee to help with the
15 cost of such an operation. Thank you.

16 MAYOR ROACH: Thank you Ms. Jones.

17 MS. MCPHERSON: Michael Zarin.

18 MR. ZARIN: Good evening Mayor Roach
19 and Members of the City Council. I would
20 beg your indulgence to go over some of

21 the time. The French American School
22 purposely chose not to present a number
23 of speakers tonight, and to try to limit
24 our comments primarily to the substance
25 of the DGEIS.

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2 Before I begin my substantive SEQRA
3 testimony, I do want to reiterate that
4 it's FASNY's continued firm position that
5 the unprecedented lot coverage and yard
6 set backs in particular contained in the
7 proposed OSRD and analyzed in the DGEIS,
8 are not only the most extreme lot yard
9 constraints I have ever experienced in
10 Municipal Zoning Code, but would render
11 the proposed FASNY school unbuildable,
12 leave the property realistically with
13 little if any use or economic value, and
14 would create unnecessary and unwarranted
15 regulations that would fly in the face of
16 established State law prohibiting the
17 restrictive zoning for schools.

18 I apologize, I truly do, if this
19 appears overly harsh and contentious.
20 However, if this legislation was not
21 formally on the table, there would be no
22 reason for this kind of a dialogue. We
23 would be having a legitimate and
24 substantive land use discussion as part
25 of the normal SEQRA process regarding

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1 PUBLIC HEARING

2 FASNY's proposal for the Ridgeway
3 property in particular, based upon the
4 exhaustive DGEIS prepared and required by
5 the City Council.

6 If fact now, the OSRD is only
7 applicable to three sites in the City,
8 one being inapplicable on its face, Maple
9 Moor, since it is a county-owned and
10 dedicated park land, and does not meet
11 the criteria or require the protection
12 contemplated under the OSRD.

13 Regarding the subject DGEIS, first
14 respectively, there is no rational zoning
15 or meaningful SEQRA analysis of only
16 including the Ridgeway property,
17 Westchester Hills and Maple Moor, and
18 excluding the other two large properties
19 in the immediate area containing, quote,
20 significant open space elements and
21 similarly situated in the same category
22 as Ridgeway in the City's Comprehensive
23 Plan.

24 For the DGEIS to conclude that Burke
25 and New York Hospital were excluded from

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1 PUBLIC HEARING

2 the provisions of the OSRD because,
3 quote, both of these medical facilities
4 play important roles in the local
5 economy, and thus as a result were not
6 considered to be appropriate to be
7 rezoned to proposed OSRD, close quote,
8 frankly makes no planning and legal
9 sense, and could not pass the most
10 minimal equal protection and due process

11 standards.

12 Does this Council truly believe that
13 schools do not play an important role on
14 a municipality's economy, or that medical
15 institutions should be protected but not
16 schools? Where is there any supporting
17 rationale or credible documentation in
18 the DGEIS for this premise?

19 Indeed numerous schools are located
20 in residential areas throughout the City
21 as previously raised by FASNY during the
22 scoping hearing. Where does the DGEIS
23 analyze the impact of schools in general
24 have on, quote, the quality of life in
25 residential neighborhoods in White

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1 PUBLIC HEARING

2 Plains, or as stated in the DGEIS, quote,
3 particularly in neighborhoods adjoining
4 the subject properties.

5 Where is it demonstrated, does the
6 DGEIS take a hard look, as we saw in the
7 scoping, that schools in general in any
8 way, quote, adversely impact the quality
9 of life in residential neighborhoods so
10 as to require the so-called protections
11 or constraints invoked within especially
12 the lot coverage and set back
13 requirements of the OSRD.

14 We hope by now the Council
15 recognizes that FASNY fully supports and
16 embraces the stated objective of the OSRD
17 as articulated in the GDEIS under the
18 chapter Purpose and Need, quote, to
19 maintain the community's quality of life
20 by preserving the open space character of
21 the property. To demonstrate the purpose
22 and need for the OSRD, the DGEIS must
23 assess the public need for the proposed
24 action, OSRD, as articulated against its
25 impacts. That is the whole premise of

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1 PUBLIC HEARING

2 SEQRA.

3 The DGEIS similarly should analyze,
4 under fundamental constitutional
5 requirements, why the OSRD is a valid
6 exercise of the City's police power.
7 Does it have a legitimate governmental
8 purpose? Or particularly relevant here,
9 is there a reasonable relation between
10 the ends sought to be achieved by the
11 regulation and the means to achieve such
12 end.

13 Thus, the first step missing from
14 the DGEIS is to identify the most likely
15 realistic plan No Action Alternative to
16 the Ridgeway site as the baseline, i.e.,
17 the FASNY school proposal. What would be
18 built on the Ridgeway site if there was
19 no OSRD zoning change, including the
20 restricted zoning lot and coverage.

21 The OSRD must then be compared to
22 and analyzed in relation to this No
23 Action Alternative to understand its
24 impact. To identify a hypothetical
25 residential subdivision on the Ridgeway

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1 PUBLIC HEARING
2 site as the proposed No Action
3 Alternative as set forth in the GDEIS
4 when there is an application pending
5 before the Council for the school is
6 highly speculative, and improper
7 segmentation.
8 Well established SEQRA precepts
9 mandate when there is an application for
10 a zoning change, the lead agency must
11 evaluate its impacts in relation to any
12 known site plan proposal for the site.
13 Most fundamental to this analysis is
14 that the DGEIS should have first
15 determined whether FASNY's No Action
16 Alternative site could meet the public
17 need and purpose of the OSRD as
18 articulated in the DGEIS.
19 There is no question that the
20 application of FASNY under the existing
21 zoning as detailed ad infinitum in its
22 DEIS advances the objective, quote, of
23 maintaining the community's quality of
24 life by preserving the open space quality
25 of the property.

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1 PUBLIC HEARING
2 But perhaps more important, FASNY's
3 No Action Proposal must be compared
4 against the quote-unquote proposed action
5 as stated in the GDEIS, a private
6 recreation sports complex, a public
7 school, or private golf club, and the
8 related potential impact, to understand
9 the planning and legal justification for
10 the OSRD, and again, in particular its
11 lot and coverage set back requirements.
12 Nowhere is this analysis found in
13 the DGEIS, nor can the requisite hard
14 look analysis required under SEQRA be
15 excused here just because the document is
16 labeled a, quote, Generic DEIS. Not when
17 there is in reality only two sites
18 affected by the proposed law in the City,
19 and one of the sites, Ridgeway, has a
20 pending application before this lead
21 agency.
22 When distilled, does anyone on the
23 Council truly believe that the so-called
24 proposed action in the DGEIS -- what is
25 called, quote, OSRD private recreation

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1 PUBLIC HEARING
2 scenario, or, quote, private recreation
3 development sports complex as described
4 in the description of the proposed action
5 consisting of a 55,000 square foot
6 fitness center, ten tennis courts, five
7 youth soccer fields, probably lighted,
8 and 568 total parking spaces -- would
9 achieve the objectives of the OSRD more
10 than FASNY's proposal under the No
11 Action. That is the alternative, quote,
12 deemed the proposed action under the
13 GDEIS.
14 That assumes that in the first
15 instance a private recreation development
16 is even functionally or financially

17 feasible on the site. Nowhere in the
18 DGEIS does it address this fundamental
19 issue. The DGEIS only contains a
20 developmental footprint with no analysis
21 whatsoever whether a private entity would
22 purchase 129 acres of prime Westchester
23 property and build a private sports
24 complex on six acres, or 5 percent of the
25 land, and leave the other 95 percent, or

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1 PUBLIC HEARING

2 100 acres, as open space.

3 There is also no analysis of the
4 DGEIS as to how this private commercial
5 sports complex would maintain or develop
6 or manage this open space. Similarly,
7 there is no meaningful analysis in the
8 DGEIS of the impacts or feasibility of
9 the so-called permitted private school of
10 910 students on the Ridgeway site, which
11 we will address later.

12 Interestingly, the one analysis that
13 does stand out in the DGEIS is that two
14 combined schools accommodating
15 approximately 1700 students, using
16 primarily the same network, road network,
17 as planned by FASNY, 910 students on the
18 Ridgeway site, and 760 students in the
19 school on the Westchester Hills site,
20 would under the City's transportation and
21 traffic analysis, using established
22 traffic methodologies, require very
23 little, if any, substantive mitigation
24 except for some traffic signal time.

25 The OSRD also proposes that

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1 PUBLIC HEARING

2 supposedly in accordance with the City's
3 Comprehensive Plan, a private golf course
4 club would be one of the few as of right
5 uses at the site, yet there is not a
6 single paragraph in the document taking
7 the requisite hard look whether such is
8 even feasible under current economic
9 conditions, let alone compare its
10 potential environmental impacts and
11 ability to meet the objectives of the
12 OSRD to the No Action Alternative FASNY
13 proposed, at least as it relates to the
14 Ridgeway site.

15 Nor does the DGEIS evaluate the
16 possibility of added amenities that most
17 private golf clubs need to survive in
18 these times, and the reasonable impacts
19 of those facilities on increased traffic,
20 noise, community, and character.

21 Finally, why under the OSRD are
22 private golf clubs, public schools, and
23 religious uses principally permitted
24 uses, and private schools only allowed by
25 special permit. And why are golf greens

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1 PUBLIC HEARING

2 and fairways, all artificially created,
3 allowed under the OSRD to exist in the
4 set backs, and not count against
5 coverage, where ball fields such as those
6 provided by FASNY as a private school,

7 whereby public schools are exempt from
8 zoning, are not counted under the OSRD.

9 Where in the DGEIS does it explain
10 the environmental or other rationale for
11 making such distinctions in the OSRD?

12 Frankly, the proposed OSRD as it now
13 stands looks very much like it's
14 attempting to zone the user and not the
15 use. FASNY has spent considerable
16 resources and time in good faith
17 complying with the City's legitimate
18 SEQRA and other requirements concerning
19 its special permit application.

20 Let's review its proposal on its
21 merits, have a legitimate and substantive
22 dialog on a case by case basis as is
23 uniformly endorsed by the Courts
24 concerning school proposals, and not get
25 forced into this confused and -- I would

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1 PUBLIC HEARING

2 submit -- muddled process regarding the
3 OSRD.

4 Thank you very much for your
5 patience. I truly appreciate the
6 extended time. Thank you very much.

7 MS. MCPHERSON: Diego Villareale.

8 MR. VILLAREALE: Good evening Mayor
9 Roach and Members of the Common Council.
10 My name is Diego Villareale. I am an
11 associate and a professional engineer
12 with John Meyer Consulting.

13 I am here tonight on behalf of the
14 French American School of New York. I
15 have been asked to comment on the EIS
16 prepared for the OSRD amendments to the
17 White Plains zoning ordinance.

18 In the first instance, it's
19 important to note that the determination
20 of the required yards identified in the
21 EIS for the FASNY property do not appear
22 to be consistent with the written
23 determination we have received by the
24 Building Department for the FASNY campus
25 application on the same property.

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1 PUBLIC HEARING

2 As discussed earlier by Mr. Zarin,
3 the proposed zoning amendments will
4 prohibit the development potential of at
5 least the Ridgeway or FASNY property.

6 For example, the fronts, sides, and
7 rear yard set backs eliminates virtually
8 all of the usable area on two of the
9 uniquely shaped parcels which comprise
10 the FASNY property.

11 This exhibit quickly identifies the
12 FASNY property. The red area highlights
13 the potential usable portion of the
14 property, excludes 100-foot wetland
15 buffers, and the side, front, and rear
16 yard set backs. So those red areas are
17 really the only portions of the property
18 that would be considered usable for
19 development.

20 So you can see a majority of it is
21 on a lower parcel adjacent to Ridgeway,
22 then there is some parcels or pieces that

23 are adjacent to the ponds. The other two
24 parcels, which extend from Gedney
25 Esplanade to Bryant, with the side yard

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1 PUBLIC HEARING

2 setbacks that are required would render
3 them pretty much unusable.

4 The proposed action in the EIS is a
5 private recreation development consisting
6 of a 55,000 square foot building, 568
7 parking spaces, ten tennis courts, and
8 five youth soccer fields. It is
9 noteworthy that while there are several
10 residential alternatives identified in
11 the document which contain graphic
12 representations of the alternatives, the
13 proposed EIS action does not contain a
14 site plan illustrating the development
15 which is somewhat unusual in the SEQRA
16 process.

17 Only a plan identifying a box
18 intended to illustrate gross land
19 coverage permitted by the OSRD amendments
20 was provided. Since no plan was prepared
21 for the proposed action, we developed an
22 illustration of the various components
23 proposed on the FASNY property itself.

24 This plan represents a 55,000 square
25 foot building which is highlighted in tan

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1 PUBLIC HEARING

2 right there. Then there is the gray
3 area, which represents the 568 parking
4 spaces. There is three youth ball fields
5 located on the first parcel, then two
6 additional ball fields on the parcel
7 across Hathaway Lane, and then there is
8 the ten tennis courts also identified on
9 the plan.

10 The proposed action, a private
11 recreation scenario or development
12 identified in the EIS and illustrated on
13 this figure, does not even appear to meet
14 bulk requirements identified in the
15 zoning ordinance.

16 For example, the definition of gross
17 land coverage as it reads in the proposed
18 OSRD not only includes impervious
19 surfaces, but it includes all developed
20 portions of the property, and I quote,
21 regardless of its permeability, closed
22 quote.

23 The maximum permitted lot coverage
24 for the Ridgeway property as identified
25 in the EIS totals no more than 275,930

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1 PUBLIC HEARING

2 square feet. This figure illustrated to
3 my right shows over 500,000 square feet
4 of coverage, which includes the
5 buildings, parking areas, tennis courts,
6 as well as the soccer fields.

7 It is important to note that the
8 proposed action does not take into
9 account additional impervious areas such
10 as sidewalks, loading areas, and other
11 amenities which would undoubtedly be
12 included in any private recreation

13 development proposal.

14 In addition, the number of parking
15 spaces identified on the proposed action
16 also does not appear to comply with the
17 zoning amendment. The amendment
18 specifically states that the maximum
19 number of parking spaces for the uses
20 permitted on the property is based on the
21 total acreage of the property, less the
22 areas designated as environmentally
23 sensitive site features, such as wetlands
24 and steep slopes.

25 The Ridgeway property is

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1 PUBLIC HEARING

2 approximately 130 acres, twenty of which
3 consist of environmentally sensitive site
4 features. Based on the proposed zoning,
5 three spaces per acre is the maximum
6 permitted parking. Therefore only 330
7 spaces would be permitted, which is well
8 below the 568 included in the proposed
9 action.

10 In addition to the apparent non
11 compliant portions of the proposed action
12 described above, the DGEIS does not
13 address in any way the viability of the
14 so called proposed action.

15 I am just about done.

16 A viable private recreation facility
17 as described in the EIS will rely on
18 significant usage of the facility similar
19 to other private sports complexes in the
20 region.

21 For instance, the Armonk Sports Club
22 operates from 6 a.m. to 11 p.m. 7 days a
23 week, and includes private rentals of
24 various courts and playing fields. To
25 accommodate this, a sports bubble is

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1 PUBLIC HEARING

2 utilized to maximize the potential usage
3 times of the facility. These bubbles
4 would be similar to the one that's
5 currently proposed in the town of
6 Greenburgh. Since a bubble, in addition
7 to the 55,000 square foot building, would
8 exceed the maximum permitted building
9 coverage, lighting would most likely be
10 required to allow the fields to be
11 utilized for extended periods of time to
12 make it a successful commercial venture.

13 In addition, the operator of the
14 facility of the land would be required to
15 purchase all 130 acres, to operate only
16 six-and-a-half acres, and maintain the
17 balance of it as open space as
18 contemplated under the lot coverage and
19 set back requirements of the OSRD.

20 This would not provide any operators
21 with a viable opportunity to run a
22 successful commercial business.

23 Respectfully, these are fundamental
24 issues which must be evaluated in the EIS
25 to fully understand and analyze the

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1 PUBLIC HEARING

2 impact of the proposed action development

3 under the scenario proposed. Thank you
4 for your time this evening.

5 MS. MCPHERSON: Michael Messinger.

6 MR. MESSINGER: Good evening

7 Mr. Mayor and members of the Common

8 Council. My name is Michael Messinger.

9 I am a registered architect representing

10 the French American School of New York.

11 And I am a lifelong Westchester resident.

12 I am here tonight to comment from an

13 architect's perspective on the viability

14 of the proposed zoning regulations within

15 the OSRD, as it relates to alternative

16 uses listed for the affected properties,

17 particularly private schools and private

18 sports recreation facilities. I, of

19 course, will focus on the Ridgeway

20 property specifically.

21 I will start with sports facilities.

22 The OSRD proposal, as you have heard,

23 limits the proposed action for private

24 sports facilities to approximately 55,000

25 square feet of building. Ten outdoor

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1 PUBLIC HEARING

2 tennis courts, five outdoor playing

3 fields.

4 We compared this with several well

5 known and well established Westchester

6 and Fairfield County facilities. Those

7 include: Saw Mill Club, Club Fit, Armonk

8 Indoor Sports, and Chelsea Piers Stamford

9 as well. Most of these facilities are

10 significantly larger than 55,000 square

11 feet. In fact, a single bubble enclosed

12 tennis court is about 60 feet by

13 120 feet, that is 7,200 square feet in

14 area.

15 Most clubs have a minimum of four

16 courts, some have many more. A bubbled

17 soccer field is in the neighborhood of 30

18 to 35,000 square feet. Indoor courts and

19 fields are what are at a premium in this

20 market, not outdoor fields. Indoor

21 facilities are what clubs can charge fees

22 for.

23 Armonk Indoor Sports, as Diego

24 mentioned, includes four bubbled courts,

25 one bubbled soccer field, and they claim

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1 PUBLIC HEARING

2 to cover about 46,000 square feet. They

3 actually operate within a town park owned

4 by the Town of North Castle. They do not

5 own that property, they lease the

6 facility and cover them with a bubble and

7 charge fees for them.

8 Club Fit and Saw Mill Club, they do

9 own their properties. They sit on

10 approximately 10- to 15-acre lots. Those

11 buildings range from 130,000 to 170,000

12 square feet in size, including their

13 bubbled courts.

14 Chelsea Piers Stamford is new to the

15 market, it opened in July in an old

16 factory in Stamford. It has 360,000

17 square feet of program space in a 200,000

18 square foot footprint of a building. It

19 only occupies half of the building -- it
20 only takes up half of the space of the
21 building it occupies. And it sits on
22 32 acres, which it shares with other
23 tenants.

24 That amounts to a building coverage
25 of about 30 percent, and parking and

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1 paved areas on that site cover almost
2 50 percent of the remaining site.

3 Actually timing is everything. I
4 got a flyer in the mail today for a new
5 sports facility opening in Ardsley that
6 claims -- the House of Sports -- it
7 claims to be 120,000 square feet of
8 Olympic style athletic training. Brand
9 new, that's joining the market.

10 It also illustrates that 55,000
11 square feet is a little bit lower than
12 what it should be for the market place.
13 There are dozens of smaller sports
14 operations in White Plains and the
15 vicinity. Most of these are fitness type
16 operations that exist as tenants within
17 larger commercial developments. They in
18 general have no open space associated
19 with them.

20 So the data suggests that a smaller
21 commercial sports operation would not be
22 functionally or financially viable. It
23 is unlikely that one could support the
24 purchase price of the Ridgeway property

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1 and it would have little or no business
2 incentive to support the parts of the
3 site not needed for their operations as
4 open space.

5 The property tax burden alone
6 resulting from ownership of the entire
7 property would severely limit the
8 viability of such a business. And it
9 seems likely that a sports developer
10 would buy the property and attempt to
11 subdivide it to keep the few acres needed
12 for their sports complex and sell off the
13 rest for other development.

14 So now we will move to alternative
15 private schools. The limitations are
16 similar to a private school developer on
17 the site. They are limited to 113,000
18 square feet, which is 56,500 times 2, a
19 two-story building covering 56,500 square
20 feet.

21 We compared the statistics of
22 several private schools in the area with
23 similar grade range to FASNY, which is
24 nursery through grade twelve. That keeps

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1 the comparison of apples to apples,
2 because obviously bigger kids need bigger
3 facilities than little kids.

4 Independent schools are not
5 commercial enterprises per se, but they
6 do compete with each other in the market
7 place. They are generally not for profit
8

9 and they need to balance income and
10 expenses just like any other enterprise.
11 They have a viability factor in that
12 there is a minimum critical mass of
13 enrollment which of course represents
14 tuition dollars. As enrollment
15 increases, so does the amount of money
16 available which allows schools to offer
17 more and better programs thus becoming
18 more competitive with other schools.
19 The OSRD allows for a school of 910
20 students in our 113,000 square foot
21 building. If you divide 113,000 by 900,
22 the result is 126. That represents the
23 number of square feet per student, which
24 as an architect is how we measure the
25 facilities that are provided by a private

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1 PUBLIC HEARING

2 school. It's an excellent rule of thumb
3 method to compare what each private
4 school provides.

5 When we do master planning for
6 independent schools, we generally target
7 200 square feet per student as the
8 benchmark. We designed the FASNY complex
9 at Ridgeway to about 193 square feet per
10 student, slightly below our typical
11 benchmark.

12 Almost done. When we were able to
13 obtain enrollment data and estimates of
14 square feet per student for several
15 independent schools in the area, the
16 range was 190 to 250 square feet per
17 student with most well above 200.

18 This suggests that the OSRD
19 enrollment allowance of 910 would need to
20 be reduced to 560 students to achieve
21 that 200 square foot per student bench
22 mark.

23 If that was not done, a 910 square
24 foot -- sorry -- the 910 student school
25 within 113,000 square feet would be

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1 PUBLIC HEARING

2 considered overcrowded. Lowering the
3 enrollment also lowers the viability of
4 such an operation because it creates
5 financial constraints.

6 Most independent schools in this
7 area have been around for 50 or 100 years
8 or more. Almost all were once large
9 estates that were bequeathed for use as
10 independent schools, and it seems
11 unlikely that any group would be able to
12 fund the purchase of the property and the
13 construction of a school facility under
14 the constraints of the OSRD and still
15 give away two-thirds of the property as
16 maintained open space.

17 As with the sports facility
18 scenario, it seems more likely that a
19 school would need to subdivide their
20 property and sell off unused portions for
21 other development.

22 The French American School of New
23 York is a well-established educational
24 institution with the organization and

25 financial backing to create a fully
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1 PUBLIC HEARING

2 functioning educational campus which
3 happens to include 80 acres of publicly
4 accessible maintained open space.

5 The No Action Alternative is the
6 most, if not the only, viable alternative
7 before you. And the only one that will
8 clearly preserve open space, enhance
9 environmental quality, and enhance the
10 strength of this community as a leader in
11 education and quality of life. Thank
12 you.

13 MS. MCPHERSON: Graham Trelstad.

14 MR. TRELSTAD: Good evening Mr.
15 Mayor and Members of the Common Council.
16 My name is Graham Trelstad. I am a
17 senior vice-president at AKRF, Inc.,
18 located here in White Plains. I am also
19 a resident of Westminster Ridge since
20 1999.

21 I am here tonight representing the
22 French American School of New York. As
23 the planner on the project team, I have
24 been asked to comment on a couple of
25 aspects of the environmental analysis of

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1 PUBLIC HEARING

2 the OSRD.

3 While FASNY continues to express its
4 objections to the proposed zoning
5 amendments and its concern over the
6 feasibility of alternative development
7 scenarios, we think it is instructive for
8 the Council to consider some of the
9 assumptions and conclusions of the DGEIS
10 in relation to the express purpose and
11 need as articulated in DGEIS.

12 In my opinion, the purpose and need
13 for the proposed OSRD has not been
14 adequately defined or analyzed in the
15 DGEIS. The DGEIS simply states, quote,
16 in its Comprehensive Plan, the City
17 identified a need to preserve areas of
18 open space and open space character,
19 unquote.

20 Nowhere does the DGEIS describe the
21 steps already taken by the City to
22 achieve that objective, including
23 rezoning of the FASNY property from
24 R1-12.5 to R1-30 and adoption of more
25 stringent regulations on environmentally

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1 PUBLIC HEARING

2 sensitive sites and features.

3 Nowhere does the DGEIS analyze
4 whether existing zoning and environmental
5 regulations are sufficient to achieve the
6 purposes stated by the City. Nowhere
7 does the DGEIS acknowledge that none of
8 the public or private schools within the
9 City of White Plains could hope to meet
10 the stringent lot coverage standards of
11 the OSRD.

12 As shown on this table, the average
13 lot coverage for schools in White Plains
14 is 34 percent, well above the five

15 percent limit that is contemplated in the
16 OSRD. And I do have copies of these for
17 your review later.

18 The DGEIS -- I should also show this
19 board here -- we have exhibited this
20 board in the past -- it demonstrates
21 several of the White Plains public and
22 private schools, the lot coverage of
23 those facilities, and set backs, and how
24 the ball fields, tracks, and buildings
25 would or would not in each case meet the

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PUBLIC HEARING

1 OSRD set back standards.

2 So you would find a number of non
3 compliant uses in public schools and
4 private schools and public parks in White
5 Plains that would not be compliant with
6 the proposed OSRD.

7 The DGEIS does describe the
8 objectives of the City in considering the
9 OSRD. Page 3-5 of the DGEIS states,
10 quote, the City's objectives in carrying
11 out the proposed action would be to
12 maintain the community's quality of life
13 by preserving the open space character of
14 the golf course properties, and by
15 controlling development, including
16 management of storm water and traffic of
17 the subject sites so as to protect the
18 residential quality of the surrounding
19 neighborhoods, unquote.

20 But nowhere does the DGEIS describe
21 the specific metrics used to determine
22 whether the open space character has been
23 met, or whether the environmental or
24 quality of life conditions have been

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PUBLIC HEARING

1 achieved.

2 You have an undefined action and an
3 undefined framework of analysis. The
4 DGEIS does not provide you, as the
5 decision makers, with the appropriate
6 level of detail to make an informed
7 decision regarding the proposed action or
8 any of its alternatives as proposed under
9 the current OSRD proposal.

10 Which brings me to alternatives.
11 The purpose of SEQRA is to enable
12 decision makers to evaluate a range of
13 alternatives or options, to see which of
14 those options achieves the stated purpose
15 or objectives with a minimum of
16 environmental impact.

17 A critical and required element of
18 the SEQRA analysis is the definition and
19 review of the so-called No Action
20 Alternative. What happens if the Council
21 decides not to move forward with the
22 zoning changes? Can the objectives of
23 the Council still be met with the
24 existing zoning in place?

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1 Here, the No Action is not an
2 abstract concept. The French American
3 School proposal is the No Action
4

5 Alternative. If you decide to retain the
6 existing zoning, FASNY's application for
7 a special permit would be reviewed
8 against the existing special permit
9 standards. FASNY's DEIS carefully
10 describes using site specific information
11 and detailed technical studies as to how
12 FASNY's proposal will meet all the
13 special permit standards and avoid,
14 minimize, or mitigate all potential
15 environmental impacts.

16 Instead of acknowledging FASNY as
17 the No Action Alternative, the OSRD DGEIS
18 describes several infeasible alternatives
19 for developing the subject sites. Others
20 before me have described how each of
21 these alternatives is infeasible from
22 either an engineering, design, or
23 operational point of view.

24 From this evaluation, we have
25 concluded that no private enterprise or

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1 institution would choose to purchase
2 130 acres of property only to be allowed
3 to use six-and-a-half acres, and with
4 that use significantly constrained. No
5 private recreational developer would
6 willingly purchase 130 acres of land and
7 be told that only ten tennis courts and
8 five ball fields would be allowed, and
9 those ball fields couldn't be used at
10 night or enclosed in a bubble for winter
11 time use.

12 No private school would purchase
13 130 acres of property and only be able to
14 use six-and-a-half acres per 910 students
15 with few outdoor recreational or
16 educational facilities.

17 Thus, the analysis alternatives in
18 the DGEIS is entirely without substance.
19 The DGEIS does not clearly lay out how
20 each alternative would achieve the
21 objectives or purpose in need to protect
22 open space character, manage storm water,
23 or control traffic.

24 For your benefit, I prepared a

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PUBLIC HEARING

1 summary matrix comparing the No Action
2 Alternative to FASNY's proposal with the
3 two alternatives evaluated in the DGEIS.
4 I will also make copies of these
5 available for your review later.

6 Using the defined purpose and
7 objectives from the DGEIS, you can see
8 how each of these alternatives does or
9 does not meet the objectives of the City.
10 From this summary matrix, it is my
11 opinion that the FASNY proposal, the No
12 Action Alternative, is the only
13 alternative that successfully meets the
14 objectives of the City of White Plains.

15 From this analysis you should
16 conclude that the No Action Alternative
17 is the proper way to proceed. In terms
18 of preserving the open space character,
19 FASNY would create an 84-acre Conservancy
20

21 open to the public 365 days a year from
22 dawn to dusk that preserves the view for
23 70 percent of all houses surrounding the
24 property and would have no impact on the
25 view sheds outlined in the DGEIS.

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1 PUBLIC HEARING

2 None of the other alternatives would
3 result in this type of open space. In
4 fact, each of the other alternatives
5 would likely result in an unmaintained
6 open space property which would devalue
7 the residential properties surrounding
8 the site. No one wants a hole in the
9 ground in a residential neighborhood.

10 In terms of managing storm water,
11 any redevelopment of the site would
12 require compliance with the strict
13 regulations of the City and New York
14 State. What FASNY's application would do
15 would be to make storm water
16 infrastructure of the site part of the
17 educational experience, available to both
18 FASNY students and the general public.

19 With FASNY's application, we can
20 learn more about restoring a site within
21 an urban watershed and how on-site
22 management of storm water can have
23 benefits beyond the boundaries of the
24 property.

25 In terms of controlling traffic,

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1 PUBLIC HEARING

2 FASNY's DEIS demonstrates how a very
3 detailed and conservative analysis of
4 traffic can be accommodated with standard
5 traffic mitigation measures.

6 FASNY has agreed to work with the
7 City to implement new adaptive traffic
8 signal control technologies that will
9 enhance the City's overall ability to
10 manage traffic along the Mamaroneck
11 Avenue corridor and along Ridgeway. This
12 will be a step forward for the City, not
13 a step backward.

14 The other alternatives would
15 generate comparable amounts of traffic as
16 FASNY on weekdays, but considerably more
17 on weekends in the case of the private
18 recreations uses. The DGEIS,
19 interestingly, concludes that traffic
20 from two schools on Ridgeway totalling
21 1700 students could be handled with minor
22 timing adjustments or other established
23 traffic mitigation measures.

24 I have added categories on the
25 matrix for hours of operation, noise, and

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1 PUBLIC HEARING

2 lights. These are site attributes that
3 would contribute to the quality of life
4 impacts. FASNY has carefully designed
5 its project to minimize disturbance to
6 surrounding residential properties.
7 FASNY would not have lighting of its
8 athletic fields and would commit to limit
9 use of athletic fields during the evening
10 and weekends. The private recreation

11 facility alternative would not be able to
12 do the same. The demand for evening
13 adult leagues, weekend youth tournaments,
14 and year-round access to athletic
15 facilities would mean that a commercial
16 operator of a private recreational
17 facility would almost certainly require
18 lighting and weekend and nighttime use of
19 its fields.

20 These are exactly the times when
21 homeowners of the adjacent residential
22 properties would be at home hoping to
23 enjoy some peace and quiet. Even the
24 public facilities in White Plains:
25 Delfino, Gillie, Saxon Woods Park, the

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1 PUBLIC HEARING

2 Highlands Middle School and the High
3 School document the demand for lights and
4 weekend and nighttime use.

5 FASNY's academic mission does not
6 place as great an emphasis on athletics
7 as other private schools. Thus, FASNY is
8 comfortable limiting its use of its
9 athletic facilities to weekdays and
10 limited weekends.

11 In conclusion, and to restate my
12 opinion expressed before, the DGEIS does
13 not present to the Common Council a
14 meaningful study of either the purpose
15 and need for zoning amendments, or more
16 importantly, of the ability of the
17 proposed action to achieve the stated
18 objectives.

19 It is further my opinion that the
20 FASNY alternative, the No Action
21 Alternative, is the only alternative to
22 consider, especially with the extreme lot
23 coverage and set back restrictions
24 proposed that would successfully achieve
25 the City's objectives to preserve the

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1 PUBLIC HEARING

2 open space character of the property, to
3 manage storm water, to control traffic,
4 and to maintain the community's quality
5 of life.

6 Thank you for your time this
7 evening, and your consideration. And I
8 do have copies for the clerk.

9 MS. MCPHERSON: Carl Wend.
10 (No response).

11 MS. MCPHERSON: Michael Daly.

12 MR. DALY: Good evening Mayor Roach
13 and Members of the Common Council. It's
14 getting late in the evening and I won't
15 take long. My name is Mike Daly. I have
16 been a resident of White Plains for well
17 over 30 years.

18 However, I am here tonight in my
19 capacity as President of the Board of
20 Governors of Westchester Hills Golf Club
21 located at 401 Ridgeway. Next year
22 Westchester Hills celebrates its 100th
23 anniversary. For the past 100 years, the
24 Hills has been a positive fixture in
25 White Plains, and we have been and remain

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1 PUBLIC HEARING

2 a significant taxpayer to the City.

3 In your deliberations on the matter
4 before you tonight, I ask you to consider
5 the fact that Westchester Hills opposes
6 the proposed actions under your
7 consideration. Because we are firmly of
8 the opinion that any further restrictions
9 on the use or development of our property
10 could result in a significant reduction
11 in the appraisal or market value of the
12 property, and as a result there could be
13 unintended, unforeseen negative
14 consequences from the proposed action.

15 These unforeseen, unintended
16 consequences could in and of themselves
17 render the Hills not viable in the long
18 term as a golf club, or unmarketable in
19 the future for other potential uses. As
20 I stated, not to be an alarmist, the
21 Hills will celebrate its 100th
22 anniversary in 2013.

23 At this point, it is our intention
24 that Westchester Hills will celebrate its
25 150th anniversary in 2063 -- I have not

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1 PUBLIC HEARING

2 made a reservation for myself, but those
3 are the dates. I'm planning on being
4 around.

5 No one knows what the future has in
6 store for us. These are difficult
7 economic times for private golf clubs.
8 At the Hills, we firmly believe that we
9 are now in the upswing, having just gone
10 through a very difficult four-year period
11 from an economic perspective.

12 However, as an entity, we need to
13 know that we have options. Be it the use
14 of our property as collateral for
15 borrowing to get us through a difficult
16 economic turn down the road, or the sale
17 of a portion of the property for
18 alternative use.

19 Based on the above issues, as well
20 as others which are going to be presented
21 by my attorney who will follow me, I
22 firmly believe that the proposed zoning
23 ordinance amendments to establish an Open
24 Space Recreational District has a
25 potentially damaging effect on our

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1 PUBLIC HEARING

2 ability to accomplish our long-term goal
3 to remain a White Plains private golf
4 club.

5 Therefore, Westchester Hills urges
6 the Council to consider either the
7 No-Action Alternative of leaving the
8 R1-30 zoning in place, or alternatively
9 adopting one of the low density
10 alternatives reflected in the Draft
11 Generic Environmental Impact Statement,
12 which earlier we heard former
13 Commissioner Habel refer to.

14 Thank you in advance for your
15 consideration of our issues.

16 MAYOR ROACH: Thank you, Mr. Daly.

17 MS. MCPHERSON: Seth Mandelbaum.
18 MR. MANDELBAUM: Good evening
19 Mr. Mayor and Members of the Council. My
20 name is Seth Mandelbaum. I am a partner
21 with the law firm of McCullough
22 Goldberger & Staudt at 1311 Mamaroneck
23 Avenue. And I am also a White Plains
24 resident.

25 I am here this evening on behalf of

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1 PUBLIC HEARING

2 the Westchester Hills Golf Club. You
3 just heard from the President of the
4 club, Mike Daly. I did submit a letter
5 to the Council this afternoon, but I
6 would like to summarize some of the more
7 salient points, some of which you heard
8 tonight, and some of which you may not
9 have.

10 As you heard from Mr. Daly,
11 Westchester Hills strongly opposes the
12 rezoning by the Council of Westchester
13 Hills' property since my client believes
14 such rezoning is unnecessary,
15 unwarranted, and unsupported by the
16 City's Comprehensive Plan, which we have
17 heard several speakers make reference to
18 this evening; and therefore, could
19 potentially result in unconstitutional
20 regulatory taking of the property and
21 deny Westchester Hills the economically
22 viable use of its land.

23 First of all, with respect to the
24 Comprehensive Plan, the DGEIS itself
25 notes that there are inconsistencies

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1 PUBLIC HEARING

2 between the Comp Plan, which as you all
3 know was adopted in 1997 and updated just
4 six years ago in 2006. In fact, the
5 DGEIS contemplates amending the
6 Comprehensive Plan to address what are
7 called, quote, inconsistencies between
8 the proposed zoning and the Comp Plan.

9 And frankly that is sort of a
10 backwards way of zoning under New York
11 Law and general zoning principles. So we
12 urge the Council, before you move forward
13 with this proposed rezoning, to actually
14 go back to the Comp Plan as the first
15 step, not sort of a catch up thrown in
16 the way as it seems to be here, where the
17 DGEIS itself acknowledges that there are
18 inconsistencies, particularly with
19 respect to the elimination of residential
20 uses in a historically residential
21 neighborhood in the City of White Plains.

22 And frankly, there is really no
23 explanation as to what the change has
24 been over the last 5 or 6 years where the
25 Comp Plan as adopted in '97, updated in

0076

1 PUBLIC HEARING

2 '06, talks about the golf courses, and
3 the goal being to preserve golf courses
4 as golf courses because they are large
5 tracts of open space, and if that's not
6 possible, to have low density residential

7 clustered development that preserves open
8 space.

9 We heard that from Sue Habel, and
10 it's fleshed out in my letter, and it's
11 certainly discussed in detail in the
12 DGEIS. I'm not going to go into great
13 detail regarding the private recreation
14 alternative. We heard a lot of very
15 relevant points from the FASNY team on
16 that.

17 I would just note that in the DGEIS,
18 this assumes a private recreational use
19 on the Westchester Hills property would
20 consist of approximately a 48,000 square
21 foot fitness building, ten tennis courts,
22 five youth soccer fields, and 530 parking
23 spaces, some paved, some graveled.

24 But again we don't believe there is
25 really a salient analysis in the DGEIS of
0077

1 PUBLIC HEARING

2 whether that configuration, that use, is
3 even viable on the Westchester Hills
4 site, especially in light of the
5 unprecedented lot coverage and set back
6 requirements as set forth in the proposed
7 zoning.

8 In addition, the goal stated of the
9 DGEIS to preserve open space, yet Burke
10 Rehabilitation Hospital and New York
11 Presbyterian -- if you look at
12 Exhibit 2-6 in the document, are in the
13 study area that is outlined on some of
14 the mapping -- are excluded from the
15 study and from the subject properties
16 even though the Comprehensive Plan
17 clearly identifies these as large pieces
18 of open space.

19 Finally and most importantly, the
20 analysis of the proposed residential
21 development options, whether it be the No
22 Action Alternative, to leave in place the
23 R1-30 zoning, which as you know applied
24 to the golf course properties in 2001, as
25 a direct result of the recommendations in
0078

1 PUBLIC HEARING

2 the '97 Comp Plan, those different
3 scenarios result in anywhere from 46 to
4 73 acres of open space under the studies
5 done by VHB, the City's consultant.

6 Up to 65 percent of the Westchester
7 Hills property potentially being left as
8 open space under various scenarios,
9 whether it be R1-30 or the lower density
10 R1-60, in fact the DGEIS in analyzing
11 those alternatives concludes, quote,
12 this -- meaning residential development
13 in this residential neighborhood -- is
14 generally consistent with the surrounding
15 land uses of the subject sites. Although
16 it is different from the existing
17 condition, where surrounding homes are
18 now adjacent to a golf course country
19 club or vacant land, it should not be a
20 significant adverse impact to existing
21 neighborhoods to have new residential
22 neighborhoods of same or similar

23 densities on adjacent lands.
24 For all these reasons, we strongly
25 oppose the proposed action and urge the
0079

1 PUBLIC HEARING
2 Council to give serious consideration to
3 either the No Action Alternative or to
4 the lower density residential
5 alternatives, both of which would further
6 the City's goals to preserve open space
7 in what has been an historically
8 residential neighborhood for many years
9 in White Plains. Thank you.

10 MAYOR ROACH: Thank you.
11 MS. MCPHERSON: Anna Miklas.
12 (NO response).

13 MS. MCPHERSON: Richard O'Rourke.
14 MR. O'ROURKE: Good evening Mayor
15 and Members the Common Council. My name
16 is Richard O'Rourke. I'm a partner with
17 the law firm of Keene & Beane, P.C.

18 Our office is right around the
19 corner at 445 Mamaroneck Avenue. I'm
20 here this evening on behalf of Fenway
21 Golf Club and many of its members that of
22 course are residents of the City of White
23 Plains.

24 And we are here to respectfully
25 request that Fenway Golf Club, that the

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1 PUBLIC HEARING
2 property be removed from the proposed
3 Open Space Recreation District.
4 Our rationale is somewhat different
5 from what you've heard from the speakers
6 on behalf of the French American School
7 as well as Westchester Hills. And that's
8 this. As a threshold matter, the
9 creation of this zone requires a parcel
10 to be at least 100 acres. We don't have
11 100 acres. So by definition, we don't
12 belong as being part of this rezoning.
13 We have 32 acres.

14 And I think it's very important
15 that, at the outset, it be pointed out
16 that we don't really qualify. So it begs
17 the issue, which has not really been
18 answered in the DGEIS, why are we in fact
19 even included in this.

20 One would think that the answer
21 would be found in Section 3.0 of the
22 DGEIS, which is entitled The Purpose and
23 Need For the Proposed Action. What's the
24 rationale? Why would you include our
25 property?

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1 PUBLIC HEARING
2 Section 3.5 of the DGEIS addresses
3 objectives of the project sponsor,
4 including storm water management and
5 traffic management as being laudatory
6 objectives, but inapplicable to our
7 property.

8 If you were to look at the DGEIS
9 carefully, Section 3.3, that section is
10 entitled Planning for the Mamaroneck
11 River Watershed. And that section
12 addresses problems due to the flooding

13 that has occurred in downstream
14 communities that are part of the
15 Mamaroneck River Watershed. That's the
16 rationale for the purpose and need of
17 this proposed zoning.

18 Yet, yet, Fenway is not in that
19 Mamaroneck Watershed. The other
20 properties are, but ours is not. In
21 fact, that such is the case is actually
22 acknowledged in the DGEIS, because it
23 states, quote, except for the Fenway
24 property, all of the subject properties
25 are located within the Mamaroneck River

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1 PUBLIC HEARING

2 Watershed.

3 Consequently, and on behalf of
4 Fenway, we would urge that the Common
5 Council remove from consideration the
6 Fenway property simply because we don't
7 meet the criteria, and we don't satisfy
8 the purpose and need as set forth in the
9 DGEIS.

10 So we would respectfully request
11 that you leave us alone, and that our
12 zoning remain as it is, which would allow
13 the Fenway Golf Club to continue with its
14 present zoning. The Club has a storied
15 history. I'm a golfer. When I see a
16 picture of Sam Snead, Byron Nelson, and
17 others of that caliber having played at
18 the time the richest tournament in
19 Westchester, I think in the PGA, it's a
20 Club that has a very storied history. We
21 would like it to continue.

22 We think if the zoning remains
23 intact as it is, it would serve the
24 purpose of allowing for this Club to
25 continue and to flourish as it has.

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1 PUBLIC HEARING

2 Lastly and finally, I think it's
3 encouraging to hear from former
4 Commissioner Habel that from her
5 preliminary review with her department,
6 their suggestion is to remove this
7 property from consideration. And I was
8 surprised by that comment, not aware of
9 it, and I'm delighted. Because that's
10 exactly what we would like. Thank you
11 very much for patience.

12 MS. MCPHERSON: Barry Effron.

13 (No response.)

14 MS. MCPHERSON: John Botti.

15 MR. BOTTI: Good evening Mr. Mayor
16 and Common Council Members. My name is
17 John Botti. I am a parent and trustee at
18 the French American School of New York.
19 I also serve on the Conservancy task
20 force. I have been very involved in the
21 development of our plan for the Greens to
22 Green Conservancy at FASNY, which is
23 84 acres of permanent publicly accessible
24 natural open space.

25 The reason I'm here tonight is to

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1 PUBLIC HEARING

2 comment on the OSRD DGEIS, and hopefully

3 highlight some of the important
4 distinctions about types of open space,
5 as well as the desirability and
6 feasibility of the various alternatives.

7 The OSRD DGEIS's stated purpose is
8 the maximization and preservation of open
9 space to enhance the quality of life in
10 neighborhoods. I put forward tonight
11 that the DGEIS does not make the
12 distinction regarding the quality of the
13 open space. Not all open space is of
14 equal benefit. There are very important
15 differences in qualities of open space,
16 namely the environmental differences, the
17 economic differences, and the social
18 differences.

19 Furthermore, we need to consider the
20 feasibility of the various alternatives.
21 First, I will start with the feasibility
22 of golf courses considered as open space.
23 There are currently 32 public and private
24 golf courses located within ten miles of
25 the former Ridgeway Country Club.

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1 PUBLIC HEARING

2 Ridgeway was in fact number 33, and was
3 no longer viable. We have a map on our
4 website greenstogreendot.org, which shows
5 the location of those 32 golf courses, to
6 give you a visual.

7 To say there is an abundance of golf
8 courses in this area is a gross
9 understatement. In fact, there is even a
10 golf course, Westchester Hills, which is
11 right across the street. How many golf
12 courses do we really need? It's been --
13 it has become like having a Starbuck's on
14 every corner. Besides, the market itself
15 has determined the fate of the Ridgeway
16 Country Club. Golf course membership is
17 in secular decline, not only in
18 Westchester County, but across the United
19 States. Many communities are also trying
20 to figure out what is the best use for
21 their failed golf courses.

22 The Common Council studied the
23 feasibility of turning Ridgeway Country
24 Club into a public golf course. They
25 voted against it 6 to 1. You only need

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1 PUBLIC HEARING

2 to look at what is happening at the Rye
3 Golf Club to get an idea of the economic
4 difficulties that they are facing. The
5 Rye Golf Club's membership has decreased
6 ten percent in the past three years, and
7 their general manager stated at a Rye
8 February 15th City Council meeting,
9 quote, the current business model may not
10 be sustainable.

11 The economic model for a public golf
12 course is not sustainable and private
13 golf clubs are also under similar
14 pressures to survive. Furthermore, one
15 needs to consider the social benefits for
16 the public at large for a private members
17 only golf and country club.

18 I ask the question: How many

19 citizens of White Plains have ever played
20 a round of golf and ever used Ridgeway
21 Country Club? That privilege has been
22 reserved for the select few members. The
23 rest of the City does not have a social
24 or recreational benefit from a private
25 members only club.

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PUBLIC HEARING

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2 Golf courses are notorious users of
3 water, pesticides and fertilizers. As a
4 result of this unnatural manmade
5 intervention, the soils become highly
6 compacted. Golf turf has a shallow root
7 system, and the use of water and
8 pesticides compacts the soil, not
9 allowing storm water to infiltrate into
10 the soil.

11 The average golf course uses between
12 10 million and 20 million gallons of
13 water to irrigate every single year.
14 Water is a precious resource, and water
15 management has been recognized as a
16 priority of this Common Council and its
17 SEEC Committee. After reading some of
18 the minutes of the SEEC Committee, 17
19 different pesticides, herbicides,
20 fungicides and insecticides have been
21 applied to the Ridgeway Country Club
22 every year, over the years.

23 There are numerous studies about the
24 impact on the community's health, and
25 these pesticides do not disappear. They

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PUBLIC HEARING

1
2 eventually wind up in our ground water
3 and in our watershed.

4 So I ask if golf courses are not of
5 feasible use, not economically feasible,
6 not socially feasible, especially in the
7 case of a private members only club, and
8 not environmentally feasible, then what
9 is the quality of having another golf
10 course as a type of open space. Golf
11 courses are considered open space, but
12 what quality do they provide?

13 Alternatively, natural open space
14 such as a nature preserve or nature
15 conservancy or namely the Greens to Green
16 Conservancy at FASNY White Plains is a
17 far better alternative use as open space.

18 Economically, the French American
19 School's proposed Greens to Green
20 Conservancy will be at no cost to the
21 City of White Plains and its taxpayers.
22 The acquisition of these 84 acres of open
23 space, the cost to rehabilitate it, and
24 the cost to maintain and secure it, will
25 be paid by FASNY.

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PUBLIC HEARING

1
2 Who else is willing to do this?
3 Which developer out there is willing to
4 do this? All of this is to the benefit
5 of White Plains, without incurring any of
6 the costs.

7 Environmentally, the open space
8 conservancy will not be irrigating and

9 wasting precious water resources. The
10 Greens to Green Conservancy will also not
11 be applying pesticides. We have not done
12 that since we acquired the property. The
13 soils will benefit from the deep root
14 structures of native plants and meadows.
15 The hydrology of the site will be
16 dramatically improved as a result, and
17 the environment will greatly benefit.
18 Socially, there is little doubt that
19 a publicly accessible conservancy has a
20 greater social benefit to all of the
21 citizens of White Plains than a private
22 members only golf and country club, which
23 is by design, the privilege of the few.
24 In conclusion, I put forward that
25 this OSRD DGEIS, number one, needs to

0090

1 PUBLIC HEARING
2 study the quality of the open space
3 alternatives. That distinction is not
4 currently made in the current proposal,
5 taking into account the economic, social,
6 and environmental costs and benefits.
7 Furthermore, this DGEIS also needs
8 to take into consideration the
9 feasibility of the various alternative
10 uses as open space. Not all open space
11 is equal. Open publicly accessible
12 environmentally friendly open space is
13 all possible without the OSRD. And I
14 recommend the No Action Alternative.
15 Thank you very much.

16 MS. MCPHERSON: Mischa Zabotin.

17 MR. ZABOTIN: Good evening Mr. Mayor
18 and members of the Council. Thank you
19 for your time again this evening. I am
20 Mischa Zabotin, I am the Board Chair of
21 the French American School located at 145
22 New Street in Mamaroneck.

23 I have one page. I think I'm the
24 last speaker between you and some TV in
25 Charlotte this evening.

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1 PUBLIC HEARING
2 So as I am sure you all understand
3 by now, the French American School is
4 committed, as is its community, to the
5 concept of preserving open space, and
6 protecting community character. I'm not
7 going to belabor that point.

8 What I would like to do is just
9 summarize some of the points that the
10 team made here this evening with respect
11 to the OSRD and the draft generic
12 environmental impact statement.

13 So our plan, as John just said a
14 moment ago, is to create publicly
15 accessible and dynamic open space.
16 84 acres. Two-thirds of the property
17 that we bought on the Ridgeway property
18 was not created and not offered by us as
19 a precondition of a special permit, or as
20 a condition of a special permit, or
21 mitigation for anything in the SEQRA
22 process.

23 It was offered because it's
24 consistent with the spirit of FASNY. It

25 was offered also because we took to heart
0092

1 PUBLIC HEARING

2 the vision of the City's Comprehensive
3 Plan as it relates to the Ridgeway
4 property -- and frankly their property --
5 that we are here this evening.

6 Our commitment to preserving and
7 maintaining this unique open space in the
8 spirit of the proposed OSRD will come at
9 significant cost to the French American
10 School of New York.

11 We are excited about this
12 progressive plan from a pedagogical,
13 environmental, and frankly from an urban
14 planning perspective. That's certainly
15 not the kind of commitment that either a
16 private commercial sports complex,
17 housing developer, or even a religious
18 use would consider making. Certainly not
19 a commitment FASNY could sustain if the
20 open space redistricting is passed as
21 proposed, particularly with respect to
22 its lot coverage and set back
23 requirements, which would make the school
24 even reduced to a 910 student school
25 which Mike Messinger demonstrated earlier

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1 PUBLIC HEARING

2 was not feasible, a physical and
3 financial impossibility.

4 So we had expected that when the
5 OSRD DGEIS was released, it would at a
6 minimum as we said earlier, recognize and
7 analyze our Conservancy and broader plan
8 against the proposed action of the sports
9 complex; or for that matter, a private
10 membership golf course, which as we heard
11 from a couple of speakers this evening
12 was frankly not feasible at that site.

13 We were surprised to see the DGEIS,
14 that the so-called No Action Alternative
15 or the potential use of the Ridgeway site
16 without the OSRD was determined to be a
17 hypothetical cookie cutter residential
18 subdivision, which I think no one on
19 either side of this debate is interested
20 in seeing there.

21 FASNY has spent a lot of time and a
22 lot of resources in good faith to detail
23 and demonstrate the potential
24 environmental impact benefits of our
25 proposal and the DGEIS scheduled for

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1 PUBLIC HEARING

2 public hearings in two weeks from today.

3 We are a school. And I know that's
4 an obvious statement, but I think it
5 bears repeating. We hope to be treated
6 like any other public or private school
7 in the City of White Plains. It is our
8 sincere hope that FASNY's application
9 will be evaluated on its merits and not
10 rendered irrelevant by a generalized
11 targeted restrictive zoning regimen as
12 contemplated currently in the DGEIS,
13 which we truly believe is unnecessary and
14 would leave us with little if any

15 economic or other use for our property.
16 Hopefully this Council will see the
17 unfairness and irrationality of the OSRD,
18 particularly as it regards its proposed
19 lot coverage and set back restrictions
20 and rethink its position. Thank you.

21 MS. MCPHERSON: Herbert Adler.

22 MR. ADLER: Good evening Mr. Mayor
23 and Council members. My name is Herbert
24 Adler. I reside at 4 Green Lane in White
25 Plains, right off North Street, not far

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1 PUBLIC HEARING
2 from Ridgeway. I have been a resident of
3 White Plains, the North Street area,
4 since 1998.

5 Prior to that, I lived in the
6 Village of Rye Brook. In fact, I served
7 on the Planning Board of the Village of
8 Rye Brook for approximately 15 years. So
9 I know something about DGEISs. I also
10 have the unique position of being able to
11 say that I was a staunch supporter -- I
12 will stand on my record -- of open space
13 for the Village of Rye Brook.

14 In fact, I have the unique
15 perspective of having been on the
16 Planning Board at the time that the
17 Purchase Country Club, a golf course in
18 the Village of Rye Brook, was sold and
19 developed as the Doral Arrowwood
20 property.

21 As a Planning Board member, I sat
22 where you sit now. I wish we had had
23 some of the advantages that you have with
24 the FASNY No Action Proposal. I just do
25 not see how the proposed zoning action

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2 will effectively accomplish preserving
3 open space in the same way that the No
4 Action Proposal and the FASNY proposal
5 would.

6 Converting residential zones to a
7 commercial zone, let's not mistake this,
8 we are talking about a commercial
9 operation. We are talking about a
10 hypothetical commercial operation. We
11 don't know what developer is going to
12 come in there and how they are going to
13 exactly develop the space, even within
14 the confines of the proposed zoning, or
15 if it's feasible to develop commercially
16 at all.

17 To me, you have more control with a
18 No Action Proposal and the FASNY
19 proposal. The FASNY project is not a
20 commercial enterprise as such. I hope it
21 will produce -- the commercial
22 development will produce much more
23 traffic than the FASNY proposal. It will
24 be a seven-day a week operation. It will
25 operate at night. It will be operated

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2 for its commercial benefit, which means
3 it will be exploited to its fullest. It
4 will create more light pollution, more

5 sound pollution, and more traffic in and
6 out, seven days a week.

7 This will be a greater incursion on
8 our residential area and the ambiance and
9 landscape of the residential areas we now
10 enjoy.

11 I respectfully suggest that you
12 adopt the No Action Proposal. You have a
13 wonderful opportunity to preserve open
14 space in the City of White Plains. And
15 it's incumbent upon you to seize that
16 opportunity. Seize the day and approve
17 the FASNY proposal and reject the
18 proposal for zoning. Thank you.

19 MS. MCPHERSON: Terence Guerriere.

20 MR. GUERRIERE: My name is Terence
21 Guerriere. I live at 14 Depot Avenue,
22 White Plains. I am coming here before
23 you tonight as President of the Gedney
24 Association. Thank you for your
25 comprehensive approach to open space

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2 preservation. Much work has been done by
3 many people. And more work is to be
4 done. And I very much appreciate it. I
5 promise to be brief.

6 The Gedney Association is very much
7 interested in preserving open space. Of
8 course, with all the properties nearby,
9 including two within our neighborhood,
10 the former Ridgeway Country Club, and
11 Westchester Hills Golf Club, we support
12 actions that preserve the open space and
13 preserve the character of all the
14 surrounding neighborhoods.

15 We support many of the comments you
16 have heard this evening regarding open
17 space, including those of Fran Jones,
18 Rocky Dell/ Reynal Park.

19 We have reviewed the DGEIS and have
20 the following observations. If the
21 Council were to decide to change the
22 existing zoning to create the OSRD, we
23 would support the following elements to
24 be included: Prohibition or severe
25 limitations on significant traffic

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2 generating activities; inclusion of
3 passive recreational activities as
4 opposed to active recreational
5 activities.

6 Active recreation activities almost
7 always generates the need for significant
8 parking to handle a large amount of
9 traffic. Passive recreation does not.
10 We noted that some of the potential uses
11 described in the proposal call for
12 parking facilities of 530 spaces on
13 Westchester Hills, 558 for the FASNY
14 Ridgeway Country Club property, and 404
15 for Maple Moor.

16 These numbers of vehicles would
17 overwhelm the nearby neighborhoods and
18 counter most, if not all, of the benefits
19 of the open space.

20 Additional elements to be included

21 are low density use development of the
22 property. The higher the density, the
23 more likely the surrounding neighborhoods
24 and roads would be adversely affected.
25 Significant buffers, buffers from

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1 PUBLIC HEARING

2 the existing homes and streets from any
3 developments of the property. And
4 ideally, a tax-generating use so that
5 open spaces do not burden the taxpayers
6 of White Plains.

7 The Comprehensive Plan should
8 continue to be your guide. Many people
9 worked on that plan. It is a great plan
10 for our City, and I look forward to the
11 day where we can further update it to
12 modernize it. But it is a wonderful
13 plan.

14 The plan envisioned in the
15 Comprehensive Plan is for open space uses
16 that preserve and protect the residential
17 character of the surrounding
18 neighborhoods of these properties. That
19 should be the guiding principle. After
20 listening to the comments this evening,
21 we will mostly likely have more to add on
22 the October date. And we look forward to
23 speaking about FASNY at the FASNY date,
24 which is why I didn't bring it up
25 tonight. Thank you very much.

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1 PUBLIC HEARING

2 MAYOR ROACH: Thank you, Mr.
3 Guerriere.

4 That's it for the people who signed
5 in to be heard. Is there anyone who came
6 in later who wishes to be heard this
7 evening?

8 (No response).

9 MAYOR ROACH: Is there a motion to
10 adjourn the hearing to October 1st?

11 COUNCILMAN MARTIN: Mr. Mayor, I
12 move to adjourn this public hearing to
13 October 1st.

14 COUNCILMAN BUCHWALD: Second.

15 MAYOR ROACH: All in favor?

16 COUNCILMAN BUCHWALD: Aye.

17 COUNCILWOMAN LECUONA: Aye.

18 COUNCILMAN KROLIAN: Aye.

19 COUNCILMAN BOYKIN: Aye.

20 COUNCIL PRESIDENT SMAYDA: Aye.

21 COUNCILMAN MARTIN: Aye.

22 MAYOR ROACH: Opposed?

23 (No response).

24 MAYOR ROACH: The hearing is
25 adjourned to October 1st. That concludes

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2 our business this evening.

3 I would however at this time request
4 a motion that we adjourn this meeting in
5 memory of our late mayor Sy Schulman.

6 MR. MARTIN: Mr. Mayor, I move to
7 adjourn in the memory of the Honorable Sy
8 J. Schulman.

9 COUNCILWOMAN LECUONA: Second.

10 MAYOR ROACH: All in favor?

11 COUNCILMAN BUCHWALD: Aye.
12 COUNCILWOMAN LECUONA: Aye.
13 COUNCILMAN KROLIAN: Aye.
14 COUNCILMAN BOYKIN: Aye.
15 COUNCIL PRESIDENT SMAYDA: Aye.
16 COUNCILMAN MARTIN: Aye.
17 MAYOR ROACH: Meeting adjourned.
18 (Proceedings adjourned for the
19 evening.)
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1 C E R T I F I C A T E
2
3

4 STATE OF NEW YORK)
5 : ss.
6 COUNTY OF WESTCHESTER)
7

8 I, DONNA LOOMBA, Certified
9 Shorthand Reporter, do hereby certify:

10
11 That the foregoing is a true
12 record of the stenographic minutes taken
13 in the above-captioned matter.
14

15 IN WITNESS WHEREOF, I have
16 hereunto set my hand this 13th day of
17 September, 2012.
18
19
20

21 _____
22
23 Donna Loomba, RPR
24
25 Certified Shorthand Reporter